

United States Senate

It is important to note that the above results are based on the assumption that the data are stationary. If the data are non-stationary, the results may be biased. Therefore, it is important to test for stationarity before conducting the regression analysis.

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20515-6250

March 24, 2015

The Honorable Eric H. Holder, Jr.  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Room 5111  
Washington, D.C. 20530

Dear Mr. Attorney General:

We are writing to inquire about the capacity of the Department of Justice to collect money secured through criminal prosecutions and civil enforcement actions. These funds are used to compensate victims of wrongdoing and to deter future unlawful activity. They also provide significant benefits to the U.S. Treasury. Yet according to recent reports, substantial amounts owed to the government as a result of the Department's litigation efforts remain outstanding.

According to recent reports, \$97 billion in settlements and judgments entered into by the Department remain uncollected — a figure that has tripled since 2004.<sup>1</sup> The Department's collection rate has also reportedly declined over the past decade. In 2004, the Department collected 28 percent of new criminal judgments and settlements. For 2013, that same figure was 22 percent.<sup>2</sup> Collection rates for civil settlements and judgments do not appear to be public.

To assist the Subcommittee, please provide the following information:

1. The Department's policies and procedures for collecting settlements and judgments;
2. A detailed estimate of the following:
  - a. Total settlements and judgments entered into by the Department in each of the past 10 fiscal years (FY2004–2014);
  - b. Share of the settlements and judgments described in 2.a that the Department has collected;

<sup>1</sup> See Michael Rothfeld and Brad Reagan, *Prosecutors Are Still Chasing Billions In Uncollected Debts*, Wall St. Journal (Sept. 17, 2014), <http://www.wsj.com/articles/prosecutors-are-still-chasing-97-billion-in-uncollected-debts-1410984264>.

<sup>2</sup> *Id.*

- c. Share of the settlements and judgments described in 2.a that the Department collected within the first two years after the settlement or judgment was entered;
3. A list of the 20 largest outstanding settlement or judgment debts, by dollar amount, owed to the Department. For purposes of this request, please consider debts tied to settlements agreed to and judgments rendered since January 1, 2004 and please include both settlements and judgments arising out of criminal and civil matters;
4. The remaining balance of each judgment or settlement;
5. The office and official or officials responsible for agreeing to each settlement or obtaining each judgment;
6. The office and official or officials responsible for collecting each settlement or judgment;
7. A description of the Department's efforts to collect each settlement or judgment;
8. The name of the defendant or defendants with whom the Department entered into each settlement or against whom each judgment applies and the charges the Department asserted against each such defendant.

The jurisdiction of the Permanent Subcommittee on Investigations is established by Section 12(e) of S. Res. 73 (114<sup>th</sup> Cong.), which empowers the Subcommittee to investigate, among other things, "the efficiency and economy of operations of all branches of the Government."

The Subcommittee requests that the Department provide responsive materials as soon as possible, but in any event, by no later than April 20, 2015. Please send any official correspondence to [Kelsey\\_Stroud@hsgac.senate.gov](mailto:Kelsey_Stroud@hsgac.senate.gov). Please contact Phil Alito (Senator Portman) at 202.224.3721 or Jackson Eaton (Senator McCaskill) at 202.224.9872 if you have any questions about this request.

Sincerely,



Rob Portman  
Chairman  
Permanent Subcommittee on Investigations



Claire McCaskill  
Ranking Member  
Permanent Subcommittee on Investigations

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- a. Total settlements and judgments entered into by the Department in each of the past 10 fiscal years (FY2004–2014);
  - b. Share of the settlements and judgments described in 2.a that the Department has collected;
  - c. Share of the settlements and judgments described in 2.a that the Department collected within the first two years after the settlement or judgment was entered;
3. A list of the 20 largest outstanding settlement or judgment debts, by dollar amount, owed to the Department. For purposes of this request, please consider debts tied to settlements agreed to and judgments rendered since January 1, 2004 and please include both settlements and judgments arising out of criminal and civil matters;
4. The remaining balance of each judgment or settlement;
5. The office and official or officials responsible for agreeing to each settlement or obtaining each judgment;
6. The office and official or officials responsible for collecting each settlement or judgment;
7. A description of the Department's efforts to collect each settlement or judgment;
8. The name of the defendant or defendants with whom the Department entered into each settlement or against whom each judgment applies and the charges the Department asserted against each such defendant.

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Sincerely,



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Chairman  
Permanent Subcommittee on Investigations



Claire McCaskill  
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COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20540-6000

The Honorable Edith Ramirez  
Chairwoman  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Room 438  
Washington, D.C. 20580

We are writing to inquire about the capacity of the Federal Trade Commission to collect money secured through criminal prosecutions and civil enforcement actions. These funds are used to compensate victims of wrongdoing and to deter future unlawful activity. They also provide significant benefits to the U.S. Treasury. Yet according to recent reports, substantial amounts owed to the government remain outstanding.

To assist the Subcommittee, please provide the following information:

1. The FTC's policies and procedures for collecting settlements and judgments;
2. A detailed estimate of the following:

<sup>1</sup> See Michael Rothfeld and Brad Reagan, *Prosecutors Are Still Chasing Billions In Uncollected Debts*, Wall St. Journal (Sept. 17, 2014), <http://www.wsj.com/articles/prosecutors-are-still-chasing-97-billion-in-uncollected-debts-1410984264>.

<sup>2</sup> *Ibid.*

3. *Id.*

- a. Total settlements and judgments entered into by the FTC in each of the past 10 fiscal years (FY2004–2014);
  - b. Share of the settlements and judgments described in 2.a that the FTC has collected;
  - c. Share of the settlements and judgments described in 2.a that the FTC collected within the first two years after the settlement or judgment was entered;
3. A list of the 20 largest outstanding settlement or judgment debts, by dollar amount, owed to the FTC. For purposes of this request, please consider debts tied to settlements agreed to and judgments rendered since January 1, 2004 and please include both settlements and judgments arising out of criminal and civil matters;
  4. The remaining balance of each judgment or settlement;
  5. The office and official or officials responsible for agreeing to each settlement or obtaining each judgment;
  6. The office and official or officials responsible for collecting each settlement or judgment;
  7. A description of the FTC's efforts to collect each settlement or judgment;
  8. The name of the defendant or defendants with whom the FTC entered into each settlement or against whom each judgment applies and the charges the FTC asserted against each such defendant.

The jurisdiction of the Permanent Subcommittee on Investigations is established by Section 12(e) of S. Res. 73 (114<sup>th</sup> Cong.), which empowers the Subcommittee to investigate, among other things, "the efficiency and economy of operations of all branches of the Government."

The Subcommittee requests that the FTC provide responsive materials as soon as possible, but in any event, by no later than April 20, 2015. Please send any official correspondence to [Kelsey\\_Stroud@hsgac.senate.gov](mailto:Kelsey_Stroud@hsgac.senate.gov). Please contact Phil Alito (Senator Portman) at 202.224.3721 or Jackson Eaton (Senator McCaskill) at 202.224.9872 if you have any questions about this request.

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Chairman  
Permanent Subcommittee on Investigations



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Permanent Subcommittee on Investigations

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20540-6252

The Honorable Richard Cordray  
Director  
Consumer Financial Protection Bureau  
1700 G Street, N.W.  
Washington, D.C. 20552

We are writing to inquire about the capacity of the Consumer Financial Protection Bureau to collect money won through successful enforcement actions. These funds are used to compensate victims of wrongdoing and to deter future unlawful activity. They also provide significant benefits to the U.S. Treasury. Yet according to recent reports, substantial amounts owed to the government remain outstanding.

To assist the Subcommittee, please provide the following information:

1. The CFPB's policies and procedures for collecting settlements and judgments;
2. A detailed estimate of the following:

<sup>14</sup> See Michael Rothfeld and Brad Reagan, *Prosecutors Are Still Chasing Billions In Uncollected Debts*, Wall St. Journal (Sept. 17, 2014), <http://www.wsj.com/articles/prosecutors-are-still-chasing-97-billion-in-uncollected-debts-1410984264>.

2. *Id.*

1. *Id.*

- a. Total settlements and judgments entered into by the CFPB in each of the past 4 fiscal years (FY2011–2014);
  - b. Share of the settlements and judgments described in 2.a that the CFPB has collected;
  - c. Share of the settlements and judgments described in 2.a that the CFPB collected within the first two years after the settlement or judgment was entered;
3. A list of the 20 largest outstanding settlement or judgment debts, by dollar amount, owed to the CFPB. For purposes of this request, please consider debts tied to settlements agreed to and judgments rendered since January 1, 2011 and please include both settlements and judgments arising out of criminal and civil matters;
  4. The remaining balance of each judgment or settlement;
  5. The office and official or officials responsible for agreeing to each settlement or obtaining each judgment;
  6. The office and official or officials responsible for collecting each settlement or judgment;
  7. A description of the CFPB's efforts to collect each settlement or judgment;
  8. The name of the defendant or defendants with whom the CFPB entered into each settlement or against whom each judgment applies and the charges the CFPB asserted against each such defendant.

The jurisdiction of the Permanent Subcommittee on Investigations is established by Section 12(e) of S. Res. 73 (114<sup>th</sup> Cong.), which empowers the Subcommittee to investigate, among other things, "the efficiency and economy of operations of all branches of the Government."

The Subcommittee requests that the CFPB provide responsive materials as soon as possible, but in any event, by no later than April 20, 2015. Please send any official correspondence to [Kelsey\\_Stroud@hsgac.senate.gov](mailto:Kelsey_Stroud@hsgac.senate.gov). Please contact Phil Alito (Senator Portman) at 202.224.3721 or Jackson Eaton (Senator McCaskill) at 202.224.9872 if you have any questions about this request.

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COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20540-6000

The Honorable Mary Jo White  
Chairwoman  
Securities and Exchange Commission  
100 F Street, N.E.  
Room 10700  
Washington, D.C. 20549

We are writing to inquire about the capacity of the Securities and Exchange Commission to collect money secured through criminal prosecutions and civil enforcement actions. These funds are used to compensate victims of wrongdoing and to deter future unlawful activity. They also provide significant benefits to the U.S. Treasury. Yet according to recent reports, substantial amounts owed to the government as a result of the SEC's litigation efforts remain outstanding.

To assist the Subcommittee, please provide the following information:

1. The SEC's policies and procedures for collecting settlements and judgments;
2. A detailed estimate of the following:
  - a. Total settlements and judgments entered into by the SEC in each of the past 10 fiscal years (FY2004-2014);
  - b. Share of the settlements and judgments described in 2.a that the SEC has collected;
  - c. Share of the settlements and judgments described in 2.a that the SEC collected within the first two years after the settlement or judgment was entered;

<sup>1</sup> See Michael Rothfeld and Brad Reagan, *Prosecutors Are Still Chasing Billions In Uncollected Debts*, Wall St. Journal (Sept. 17, 2014), <http://www.wsj.com/articles/prosecutors-are-still-chasing-97-billion-in-uncollected-debts-1410984264>.

<sup>2</sup> See *id.*

3. A list of the 20 largest outstanding settlement or judgment debts, by dollar amount, owed to the SEC. For purposes of this request, please consider debts tied to settlements agreed to and judgments rendered since January 1, 2004 and please include both settlements and judgments arising out of criminal and civil matters;
4. The remaining balance of each judgment or settlement;
5. The office and official or officials responsible for agreeing to each settlement or obtaining each judgment;
6. The office and official or officials responsible for collecting each settlement or judgment;
7. A description of the SEC's efforts to collect each settlement or judgment;
8. The name of the defendant or defendants with whom the SEC entered into each settlement or against whom each judgment applies and the charges the SEC asserted against each such defendant.

The jurisdiction of the Permanent Subcommittee on Investigations is established by Section 12(e) of S. Res. 73 (114<sup>th</sup> Cong.), which empowers the Subcommittee to investigate, among other things, "the efficiency and economy of operations of all branches of the Government."

The Subcommittee requests that the SEC provide responsive materials as soon as possible, but in any event, by no later than April 20, 2015. Please send any official correspondence to [Kelsey\\_Stroud@hsgac.senate.gov](mailto:Kelsey_Stroud@hsgac.senate.gov). Please contact Phil Alito (Senator Portman) at 202.224.3721 or Jackson Eaton (Senator McCaskill) at 202.224.9872 if you have any questions about this request.

Sincerely,



Rob Portman  
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3. A list of the 20 largest outstanding settlement or judgment debts, by dollar amount, owed to the CFTC. For purposes of this request, please consider debts tied to settlements agreed to and judgments rendered since January 1, 2004 and please include both settlements and judgments arising out of criminal and civil matters;
4. The remaining balance of each judgment or settlement;
5. The office and official or officials responsible for agreeing to each settlement or obtaining each judgment;
6. The office and official or officials responsible for collecting each settlement or judgment;
7. A description of the CFTC's efforts to collect each settlement or judgment;
8. The name of the defendant or defendants with whom the CFTC entered into each settlement or against whom each judgment applies and the charges the CFTC asserted against each such defendant.

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The Subcommittee requests that the CFTC provide responsive materials as soon as possible, but in any event, by no later than April 20, 2015. Please send any official correspondence to [Kelsey\\_Stroud@hsgac.senate.gov](mailto:Kelsey_Stroud@hsgac.senate.gov). Please contact Phil Alito (Senator Portman) at 202.224.3721 or Jackson Eaton (Senator McCaskill) at 202.224.9872 if you have any questions about this request.

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